

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHARIFE MOSES,

Petitioner,

-against-

JAIFA COLLADO,

Respondent.
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ORDER

19 Civ. 1770 (LTS) (GWG)

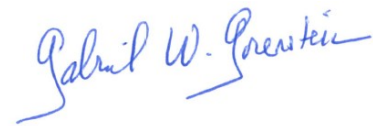
GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

We construe the petition for habeas corpus in this case as raising four grounds for relief: (1) the lineup identification was unduly suggestive, see Petition, filed Feb. 25, 2019 (Docket # 1), at 6; (2) trial counsel was ineffective for failing to object to jury instructions related to accomplice corroboration, see id. at 8; (3) trial counsel was ineffective for failing to request a felony murder affirmative defense instruction, see id. at 14-15; and (4) trial counsel was ineffective for failing to object to the prosecution's summation, see id. As of the last briefing in this case, the respondent argued that claims (3) and (4) were not exhausted. See Memorandum of Law in Opposition, filed June 22, 2020 (Docket # 25), at 36-39.

Due to the passage of time, the Court seeks an update on the status of any efforts by petitioner to exhaust claims (3) and (4). The respondent shall provide any information and documentation as to exhaustion by means of a letter filed on or before November 28, 2023. To the extent either claim is exhausted, the respondent shall include in this letter their views as to the merits of the exhausted claim or claims. The petitioner may file any response by December 12, 2023.

SO ORDERED.

Dated: November 16, 2023
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge